THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.16673 of 2006

DATED: 11-08-2006

Between:

Allu Krishna Rao.

..Petitioner.

and

The District Collector & Election Authority, Visakhapatnam District, Visakhapatnam and others.

..Respondents.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.16673 of 2006

ORDER:

This writ petition is filed for a writ of mandamus declaring the action of respondents in not considering the representations of the petitioner dated 02-08-2006 and 05-08-2006 for recounting of votes polled for the post of Sarpanch, Chippadu Gram Panchayat, Atchutapuram Mandal, Visakhapatnam as illegal, arbitrary, unjust and contrary to Rules 34 and 35 of the Andhra Pradesh Gram Panchayat Members & Mandal Parishad Rules, 1994 and consequently direct the respondents to recount the votes polled for the post of Sarpanch of the said Gram Panchayat and pass such other suitable orders.

2. There is some controversy between the parties whether the request for recounting of votes was made in accordance with the Rules or not.

3. On instructions, Sri V.V.Prabhakara Rao had taken notice that an application for recounting in accordance with the Rules in fact was not made. This aspect need not be gone into for the reason that these are all factual aspects, which may have to be established in an election petition. In view of the same, liberty is given to the petitioner to approach the appropriate Election

Tribunal, if he is so advised.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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P.S.NARAYANA,J

Dated:11-08-2006

sj